

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
 PASHA ANWAR, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 FAIRFIELD GREENWICH LIMITED, et al.)
)
 Defendants.)
)
 This Document Relates to:)
Da Silva Ferreira v. EFG Capital International)
Corp., et al., 11-CV-813(VM))
 -----x

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: <u>3/14/13</u>
DATE FILED: <u>3/14/13</u>

Master File No. 09-CV-118 (VM)

**APPLICATION FOR ISSUANCE OF A LETTER OF REQUEST FOR THE
EXAMINATION OF WITNESSES IN SWITZERLAND PURSUANT TO
THE HAGUE EVIDENCE CONVENTION**

Plaintiffs, Lorrene Da Silva Ferreira and Arlete Da Silva Ferreira, individually and on behalf of all others similarly situated, by their attorneys, respectfully apply for the issuance by the Court of a Letter Request in the form attached hereto as Exhibit "A", addressed to the Central Authority and/or the applicable Canton in Switzerland, for the examination of Lawrence Howell and Mats Pehrsson, residents of Switzerland. This Application is made pursuant to, and in conformity with, The Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, T.I.A.S. 7444, 23 U.S.T. 255, *reprinted in* 28 U.S.C.A. § 1781, ("Hague Evidence Convention"), which is in force between the United States and Switzerland.

Issuance of the Letter of Request under The Hague Evidence Convention is a proper method for the taking of testimony of persons residing abroad. Rule 28(b), Fed. R. Civ. P.; *Pain v. United Technologies Corp.*, 637 F. 2d 775, 788-90 (D.C. Cir. 1980).

Plaintiffs request that the Court approve and sign the attached Letter of Request. Plaintiffs further request that after the Court has signed the Letter of Request, that the Clerk of this Court authenticate the Court's signature under the seal of this Court, and that the Letter of Request be thereafter returned by the Clerk to counsel for the Plaintiffs. Counsel will promptly cause the Letter of Request to be translated into the German language, as required by Art. 4 of the Hague Evidence Convention, and will transmit the Letter, together with the translation, to the Swiss Central Authority and/or appropriate Canton for execution in conformity with Art. 2 of the Convention.

Dated: March 22, 2011.

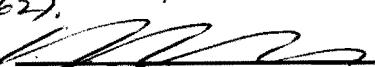
Respectfully submitted,

COHEN KINNE VALICENTI & COOK LLP
Co-counsel for Plaintiffs
 28 North Street, 3rd Floor
 Pittsfield, MA 01201
 Telephone: (413) 443-9399
 Facsimile: (413) 553-0331
 KEVIN M. KINNE
 Massachusetts Bar No. 559004
Kkinne@cohenkinne.com

DANIEL R. SOLIN, ESQ.
Co-counsel for Plaintiffs
 401 Broadway, Ste. 306
 New York, N.Y. 10013-3005
 Telephone: (239) 949-1606
 Facsimile: (239) 236-1381
 New York Bar No. 8675
dansolin@yahoo.com

LEVINE KELLOGG LEHMAN
 SCHNEIDER + GROSSMAN LLP
Attorneys for Plaintiffs
 201 So. Biscayne Boulevard
 Miami Center, 34th Floor
 Miami, FL 33131
 Telephone: (305) 403-8788
 Facsimile: (305) 403-8789

By /s/ Jason Kellogg
 LAWRENCE A. KELLOGG, P.A.
 Florida Bar No. 328601
lak@lkllaw.com
 JASON KELLOGG, ESQ.
 Florida Bar No. 0578401
jk@lkllaw.com
 AMANDA STAR FRAZER, ESQ.
 Florida Bar No. 0043921
af@lkllaw.com

SO ORDERED. The Clerk of Court is directed to terminate the motion under 11 Civ 0813 (Docket No. 184) as moot in view of the SO ORDERED. resolution of the case (Docket No. 262).	
3-14-13 Date	 Victor Marrero, U.S.D.J.